

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRI-REALTY COMPANY,
Plaintiff,

v.

URSINUS COLLEGE,
Defendant.

:
: **CIVIL ACTION**
:
:
:
: **NO. 11-5885**

ORDER

AND NOW, this 21st day of November, 2013, upon consideration of the Motion of Ursinus College to Dismiss the Amended Complaint (Docket No. 7) and the response of Tri-Realty Company opposing the motion, together with oral argument concerning the parties' respective positions, for the reasons explained in the accompanying Memorandum Opinion of even date, (1) the Court GRANTS the motion as to the Tri-Realty claims under the Oil Pollution Act of 1990 and dismisses Counts I and X, (2) the Court DENIES the motion as to the Tri-Realty claims under the Clean Water Act (Count III), (3) the Court gives notice to the parties that the motion to dismiss as to the claims pursuant to the Resource Conservation and Recovery Act (Count II) shall be reconsidered by the Court as a motion for summary judgment after the parties have had the opportunity to complete and document the record as to such claim and to supplement their briefs as to the relevant issues and in that regard orders counsel for the parties to appear before the Court in Chambers at 2:00 p.m. on December 12, 2013, for a conference to address the scheduling and deadlines for such summary judgment motion; and (4) the motion to

dismiss the state law claims shall be HELD IN ABEYANCE pending determination of the issues relating to the Clean Water Act and Resource Conservation and Recovery Act claims.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE